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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,910	09/28/2001	Jeffery A. Sylvester	BELL-0120/01126	4236

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EXAMINER

ENG, GEORGE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965,910

Applicant(s)

SYLVESTER ET AL.

Examiner

George Eng

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 12 is objected to because of the following informalities: claim 12, line 1, delete “40c”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 17, it is unclear the phrase of “a top zone between the top zone and the back zone and including the display portion” because it does not make sense of the top zone between the top zone and the back zone.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2643

5. Claims 1-4, 7-8, 10-11 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue (JP 2000-115310).

Regarding claim 1, Inoue discloses a protective cover (1, figure 1) for a telephone having a keypad (6, figure 1) and a display (5, figure 1), the cover covering on a main body part (2, figure 1) of the telephone, which comprises a keypad portion for covering the keypad of the telephone to protect the telephone at the keypad and a display portion for covering the display of the telephone to protect the telephone at the display (figure 1 and abstract).

Regarding claims 2-4, Inoue discloses the telephone further comprising a sound pickup and an ear speaker as shown in figure 1, wherein the cover defines a pickup aperture therein to externally expose the sound pickup and a speaker aperture therein to externally expose the speaker, and the cover further defines a bottom aperture (figure 4) through which the telephone enters the cover when cover is mounted thereto, the bottom aperture encompassing the pickup aperture (figure 1 and detailed description).

Regarding claims 7-8, Inoue discloses the telephone further comprising a power and communication connector and the cover defining a power and communications connector aperture therein to externally expose the power and communications connector such that the cover further defines a bottom aperture through which the telephone enters the cover when the cover is mounted thereto, the bottom aperture encompassing the power and communication connector aperture (figure 5).

Regarding claim 10, Inoue discloses the telephone further comprising an internal antenna nub and the cover defining an internal antenna nub aperture therein to externally expose the internal antenna nub (figure 1).

Art Unit: 2643

Regarding claim 11, Inoue discloses the cover including a securing device (7, figure 2) for securing the cover to the telephone in a repeatedly mountable and disengagable manner (detailed description).

Regarding claim 16, Inoue discloses the cover being formed from a single piece of a sheet of plastic (figure 3).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (JP 2000-115310) in view of Takagi et al. (US PAT. 5,251,329 hereinafter Takagi).

Art Unit: 2643

Regarding claim 5, Inoue teaches the cover covering only on a main body part (2, figure 1) of the telephone so that the cover defines apertures therein to externally expose the rest of the telephone components. Inoue differs from the claimed invention in not specifically teaching the telephone further including an external antenna connector and the cover defines an external antenna connector aperture therein to externally expose the external antenna connector. However, it is old and notoriously well known in the art of a radiotelephone comprising an external antenna to send and receive electrical waves, for example see Takagi (figure 2 and col. 4 lines 33-38). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the telephone of Inoue in having the external antenna connector, as per teaching of Takagi, in order to enhance the telephone by providing an additional means for sending and receiving electrical waves. By combining Inoue and Takagi, the cover obviously defines an aperture therein to externally expose the external antenna connector since Inoue teaches the cover covers only on the main body part of the telephone (figure 1).

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (JP 2000-115310) in view of Takagi et al. (US PAT. 5,251,329 hereinafter Takagi) as applied in claim 5 above, and further in view of Flannery (US 2002/0086711).

Regarding claim 6, the combination of Inoue and Takagi differs from the claimed invention in not specifically teaching the telephone further including a holster knob. However, it is well known in the art of telephone comprising attaching mechanism, i.e., a holster knob, for attaching the telephone to user or a user's clothing, for example see Flannery (figure 2 and

Art Unit: 2643

[0016]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Inoue and Takagi in having the holster knob in the telephone, as per teaching of Flannery, in order to make user friendly by attaching the telephone to user or a user's clothing utilizing the holster knob. By combining Flannery with the combination of Inoue and Takagi, the cover obviously defines an aperture therein to externally expose the external expose the holster knob because Inoue teaches the cover covers only on the main body part of the telephone (figure 1).

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (JP 2000-115310) in view of Flannery (US 2002/0086711).

Regarding claim 6, Inoue differs from the claimed invention in not specifically teaching the telephone further including a holster knob. However, it is well known in the art of telephone comprising attaching mechanism, i.e., a holster knob, for attaching the telephone to user or a user's clothing, for example see Flannery (figure 2 and [0016]). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Inoue in having the holster knob in the telephone, as per teaching of Flannery, in order to make user friendly by attaching the telephone to user or a user's clothing utilizing the holster knob. By combining Flannery with Inoue, the cover obviously defines a holster knob aperture therein to externally expose the external expose the holster knob because Inoue teaches the cover covers only on the main body part of the telephone (figure 1).

Art Unit: 2643

10. Claims 12-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (JP 2000-115310) in view of Jensfelt (US PAT. 6,330,430).

Regarding claims 12-14, Inoue differs from the claimed invention in not specifically teaching the securing device including a pair of wings that extend generally from either lateral side of the keypad portion and along sides of the mounted-to telephone and a strap that interconnects distal ends of the wings at a rear face of the mounted-to telephone, wherein the wings and strap reside adjacent and define a bottom aperture through which the telephone enters the cover when the cover is mounted thereto and the securing device maintains an interference fit with the telephone when the cover is mounted thereto. However, Jensfelt discloses a case for mobile terminal comprising a flexible sheet having a selectively adjustable length to accommodate a variety of different-sized mobile terminals comprising a plurality of fasteners (24, figure 4) read as a security device including a pair of wings that extend from lateral sides of the keypad portion and along sides of the mounted-to telephone (figure 4) and a strap (26, figure 4) that interconnects distal ends of the wings at a rear face of the mounted-to telephone (figure 3), wherein the wings and the strap reside adjacent and defined a bottom aperture through which the telephone enters the cover when the cover is mounted thereto (figure 1) and the securing device maintains an interference fit with the telephone when the cover is mounted thereto (col. 2 line 18 through col. 3 line 43). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Inoue in having the securing device including a pair of wings that extend generally from either lateral side of the keypad portion and along sides of the mounted-to telephone and a strap that interconnects distal ends of the wings at a rear face of the mounted-to telephone, wherein the wings and strap reside adjacent and define a

Art Unit: 2643

bottom aperture through which the telephone enters the cover when the cover is mounted thereto and the securing device maintains an interference fit with the telephone when the cover is mounted thereto, as per teaching of Jensfelt, in order to make user friendly to easily to adjust to accommodate a variety of different-sized mobile terminals.

Regarding claim 15, Jensfelt disclose the strap being constructed from an elastic material (col. 3 lines 44-51).

Regarding claims 17-20, the limitations of the claims are rejected as the same reasons set forth in claims 12-14.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Powell (US PAT. 6,701,159) discloses a jacket for cellular telephone (figure 1 and abstract). Armistead (US PAT. 5,816,459) discloses a protective carrying case for portable electronic equipment (abstract). Kawai (JP 09121922) discloses a portable telephone accommodating case (abstract).

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

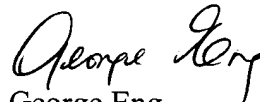
Art Unit: 2643

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, V.A., Sixth Floor (Receptionist).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tuesday to Friday from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz, can be reached on (703) 305-4870. The fax phone number for the organization where this application or proceeding is assigned is 703-308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.


George Eng
Primary Examiner
Art Unit 2643